

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Christopher Stallings

v.

Case No. 09-cv-375-PB

United States of America

O R D E R

Christopher Stallings has filed a motion challenging his conviction pursuant to [28 U.S.C. § 2255](#). The motion charges that the defendant's conviction must be vacated because the government withheld exculpatory evidence and defense counsel failed to properly investigate the case and file pretrial motions.

As the government notes in its opposition to the motion, Stallings has failed to identify the evidence that the government allegedly withheld. Nor has he either listed the pretrial motions that his counsel allegedly should have filed or explained why counsel's pretrial investigation was deficient. Conclusory allegations of improper conduct are not sufficient to warrant a hearing on a motion for relief under § 2255. David v. United States, [134 F.3d 470](#), [478](#) (1st Cir. 1998).

The motion to vacate sentence ([Doc. No. 2](#)) is denied.

Pursuant to Rule 11 of the Rules Governing Section 2254 and 2255 Cases and First Circuit LR 22.0, the court is required to either issue or deny a certificate of appealability when it enters a final order adverse to the applicant. For the foregoing reasons, the petitioner has failed to make a substantial showing of the denial of a constitutional right. [28 U.S.C. § 2253\(c\)\(2\)](#). As a result, the court declines to issue a certificate of appealability in this case.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

December 18, 2009

cc: Christopher Stallings, pro se  
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Donald A. Feith, Esq.